



FOR CLERK USE ONLY	
City Council	
Item No.	<u>15</u>

CITY COUNCIL AGENDA FACT SHEET

City Attorney _____
Department _____

February 16, 2010 _____
Requested Date _____

1. Request:

Council Approval	<input type="checkbox"/>	Information Only/ Presentation	<input type="checkbox"/>
Other (specify)	<input checked="" type="checkbox"/>	Hearing	<input type="checkbox"/>
<i>Discussion/Direction</i>			

2. Requested Action:

Discussion related to the presentation of a charter city initiative to the voters on June 8, 2010.

3. Fiscal Impact:

Revenue:	Increase <input type="checkbox"/>	Source:	Unknown
	Decrease <input type="checkbox"/>	Amount:	
Cost:	Increase <input type="checkbox"/>	Source:	N/A
	Decrease <input type="checkbox"/>	Amount:	\$
Does Not Apply <input checked="" type="checkbox"/>			

4. Reviewed By:

Finance Dept. on _____ By: _____

Comments: _____

City Attorney on Feb 8, 2010 By: _____

Comments: _____

Note: Back up must be submitted along with this form. Deadline is 5:00 p.m., 2 Fridays before the scheduled meeting date.

CLERK USE ONLY:

CITY COUNCIL DATE: _____

Action	<input type="checkbox"/>	Filing	<input type="checkbox"/>
Consent	<input type="checkbox"/>	Presentation	<input type="checkbox"/>
Hearing	<input type="checkbox"/>	Other(specify)	<input type="checkbox"/>

Reviewed by: City Clerk _____

City Manager _____

Date _____

Date _____

CITY COUNCIL AGENDA REPORT

**SUBJECT: CONSIDERATION OF WHETHER OR NOT TO SUBMIT
THE QUESTION OF ADOPTION OF A CITY CHARTER TO THE
VOTERS AT THE GENERAL ELECTION ON TUESDAY, JUNE 8, 2010
AND DIRECTION REGARDING CITY CHARTER LANGUAGE**

AGENDA DATE: February 16, 2010

PREPARED BY: Jennifer M. Lyon, City Attorney

APPROVED FOR AGENDA BY: Victor Carrillo, City Manager

ACTION REQUESTED:

1. Consider whether to submit the question of adoption of a City Charter to the voters in the next general election on June 8, 2010.
2. If Council wants to submit the ballot measure, provide direction regarding the language to be included in the charter to be submitted to the voters and direct staff to bring the appropriate resolution to Council on March 2, 2010.

FISCAL IMPACT: Potential reduction of expenses connected with public works projects depending on the prevailing wage provisions of the proposed charter. Other potential fiscal impacts resulting from greater autonomy for the city.

BACKGROUND INFORMATION: The City of Calexico currently operates as a general law city, subject to the general laws of the State of California. As expressed in December of 2009, the City Council wishes to consider a ballot measure to adopt a proposed City Charter to determine whether a change in Calexico's form of governance from a General Law City to a Charter City is in the best interests of the citizens of Calexico and whether to submit the question of adoption of the City Charter to the voters.

The City Council has the authority to propose a charter and elect a charter commission pursuant to Cal. Const. art. XI, §3(b)(c).

CURRENT DISCUSSION:

Under the California Constitution, cities may elect to adopt a charter approved by the electorate. Such charter gives a city more autonomy with respect to matter determined to be matters of "municipal concern," such as council members compensation, or city contracts, as opposed to matters of "state-wide concern," such as traffic laws. A charter city derives its power directly from the state constitution, rather than the general laws, in purely municipal matters. Deciding whether a matter is a municipal affair or a state concern is presently determined by the courts.

Some of the benefits of adopting a charter form of governance include more local, or "home rule," control over such matters as campaigns, elections, contracts, council members qualifications and compensation, legislative authority, and personnel matters. A chart promulgated by the League of California Cities, attached hereto as **Attachment B**, shows the comparisons between a general law city and a charter city in more detail.

Charters are adopted by a majority vote of the electors voting on the question and it becomes effective when it is filed with the Secretary of State. The charter may be subsequently amended, revised or repealed in the same manner. The charter's provisions can be carried out by means of resolutions, ordinances or other regulations in the area of matters of municipal concern.

Draft City Charter

The draft City Charter attached hereto as **Attachment A** is based upon more recent charters adopted by other cities. Although some big cities have chosen to make the charters more detailed, more recently, cities have begun using a less detailed charter that simply reserves all rights that a charter city has under state law. When this type of general charter is adopted, it allows the city to adopt ordinances on the various charter topics as the city deems necessary. If a city thereafter wants to change its approach on a particular topic, the city can merely revise or repeal the ordinance. By contrast, if a city adopts a detailed charter, then the city can only make changes to the charter by submitting it to voter approval.

If Council wants to submit this ballot measure to the voters, Council needs to give direction about the specific language that it would like to be included in the charter. Specifically, the language relating to public works contracts must be chosen. In **Attachment A**, there are 3 options for how this issue can be addressed. The three options are taken from other cities who have recently adopted charters. Option 3 is the language that was adopted by voters in the City of El Centro.

The deadline to submit ballot measures to the County is March 12, 2010. Therefore, Council only has the March 2, 2010 regular meeting to finalize and request that this matter be added to the ballot.

Attachments: Attachment A – Proposed City of Calexico Charter
Attachment B – Chart Comparing General Law Cities to Charter Cities
Attachment C - City of El Centro Charter (for comparison purposes)

ATTACHMENT A

PREAMBLE

We the people of the City of Calexico, declare our intent to maintain in our community the historic principles of self-governance inherent in the doctrine of home-rule. We the people of Calexico, are sincerely committed to the belief that local government has the closest affinity to the people governed and firmly convinced that the economic and fiscal independence of our local government will better serve and promote the health, safety and welfare of all the citizens of Calexico. Based on these principles, we do hereby exercise the express right granted by the Constitution of the State of California and do ordain and establish this Charter for the City of Calexico.

CHARTER

ARTICLE 1. MUNICIPAL AFFAIRS.

Section 100. - Powers of City.

The City shall have full power and authority to adopt, make, exercise and enforce all legislation, laws, and regulations with respect to municipal affairs, subject only to the limitations and restrictions as may be provided in this Charter, in the Constitution of the State of California, and in the laws of the United States. The enumeration of any particular power, duty, or procedure in this Charter shall not be held to be exclusive of, or any limitation or restriction on, this general grant of power.

Section 101. - Municipal Affairs Generally.

Each of the matters set forth in this Charter are declared to be municipal affairs, consistent with the Constitutional, statutory, and judicially defined laws of the State of California. The implementation of each matter uniquely benefits the citizens of the City of Calexico and addresses peculiarly local concerns within the City of Calexico. The municipal affairs set forth in this Charter are not intended to be an exclusive list of municipal affairs over which the City Council may govern.

Section 102. - Incorporation and Succession.

The City of Calexico shall continue to be a municipal corporation known as the City of Calexico. The boundaries of the City of Calexico shall continue as now established until changed in the manner authorized by law. The City of Calexico shall remain vested with, and shall continue to own, have, possess, control and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it at the time this Charter takes effect. The City of Calexico shall be subject to all debts, obligations and liabilities of the City of Calexico at the time this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, enforced at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper lawful action.

ARTICLE 2. FORM OF GOVERNMENT.

Section 200. - Form of Government.

The municipal government established by this Charter shall be known as the "Council-Manager" form of government. The City Council shall establish the policy of the City; the City Manager shall carry out that policy.

ARTICLE 3. FISCAL MATTERS.

Section 300 - Economic and Community Development.

The City shall have the power to utilize revenues from the general fund to encourage, support and promote economic and community development in the City.

Section 301. - Public Financing.

The City Council shall have the power to establish standards, procedures, rules and regulations relating to financing of public improvements and services.

Section 302. - Utility Franchises.

The City Council shall have the power to provide for the acquisition, development or operation by the City of any public utility and/or to grant any franchise, license or permit to any public utility that proposes to use or is using City streets, highways or other rights-of-way.

Section 303. - Enterprises.

The City shall have the power to engage in any enterprise determined necessary to produce revenues for the general fund or any other fund established by the City Council that promotes a public purpose.

[OPTION 1]

Section 304 - Contracts.

The City Council shall have the power to establish standards, procedures, rules or regulations relating to all aspects of the award and performance of contracts, including contracts for the construction of public improvements, including, but not limited to, compensation paid for performance of such work.

Or:

[OPTION 2]

Section 304 - Public Works Contracts.

The City is exempt from the provisions of All California statutes regulating public contracting and purchasing except as provided by ordinance or by agreement approved by the City Council. The City shall establish all standards, procedures, rules or regulations to regulate all aspects of public contracting.

Or:

[OPTION 3]

Section 304. - Public Works Contracts.

The City is exempt from the provisions of all California statutes regulating public contracting and purchasing except as provided by ordinance or by agreement approved by the City Council. The City shall establish all standards, procedures, rules or regulations to regulate all aspects of public contracting and purchasing.

Section 305. - Prevailing Wages.

The City shall require the payment of prevailing wages on its public works projects in the same manner as is required of general law cities in the State of California; provided, however, that the City Council may, by resolution or ordinance adopted by a four-fifths (4/5) vote, increase or decrease the minimum thresholds that trigger the requirement to pay prevailing wages for the individual projects, categories of projects or all City public works projects.

ARTICLE 4. REVENUE RETENTION.

Section 400. - Reductions Prohibited.

All revenues due to, and raised by the City, shall remain within the City of Calexico for appropriation solely by the City Council. No such revenue shall be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

Section 401. - Mandates Limited.

No person, whether elected or appointed, acting on behalf of the City, shall be required to implement or give effect to, any function that is mandated by any other level of government, unless and until funds sufficient for the performance of such function are provided by such other level of government.

ARTICLE 5. GENERAL LAWS.

Section 500. - General Law Powers.

In addition to the power and authority granted by the terms of this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws, and regulations and to take all actions and to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

ARTICLE 6. INTERPRETATION.

Section 600. - Construction and Interpretation.

The language contained in this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its powers to govern with respect to any matter that is a municipal affair.

Section 601. - Severability.

If any provision of this Charter should be held by a final judgment of a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Charter shall remain enforceable to the fullest extent permitted by law.

ARTICLE 7. AMENDMENT.

Section 700. - Amendment to Charter, Revised or Repealed.

This Charter, and any of its provisions, may be amended by a majority vote of the electors voting on the question. Amendment or repeal may be proposed by initiative or by the governing body.

Attachment B

General Law City v. Charter City

Characteristic	General Law City	Charter City
Ability to Govern Municipal Affairs	Bound by the state's general law, regardless of whether the subject concerns a municipal affair.	Has supreme authority over "municipal affairs." Cal. Const. art. XI, § 5(b).
Form of Government	State law describes the city's form of government. For example, Government Code section 36501 authorizes general law cities be governed by a city council of five members, a city clerk, a city treasurer, a police chief, a fire chief and any subordinate officers or employees as required by law. City electors may adopt ordinance which provides for a different number of council members. Cal. Gov't section 34871. The Government Code also authorizes the "city manager" form of government. Cal. Gov't Code § 34851.	Charter can provide for any form of government including the "strong mayor," and "city manager" forms. See Cal. Const. art. XI, § 5(b); Cal. Gov't Code § 34450 <i>et seq.</i>
Elections Generally	Municipal elections conducted in accordance with the California Elections Code. Cal. Elec. Code §§ 10101 <i>et seq.</i>	Not bound by the California Elections Code. May establish own election dates, rules, and procedures. See Cal. Const. art. XI, § 5(b); Cal. Elec. Code §§ 10101 <i>et seq.</i>
Methods of Elections	Generally holds at-large elections whereby voters vote for any candidate on the ballot. Cities may also choose to elect the city council "by" or "from" districts, so long as the election system has been established by ordinance and approved by the voters. Cal. Gov't Code § 34871. Mayor may be elected by the city council or by vote of the people. Cal. Gov't Code §§ 34902.	May establish procedures for selecting officers. May hold at-large or district elections. See Cal. Const. art. XI, § 5(b).

Characteristic	General Law City	Charter City
City Council Member Qualifications	<p>Minimum qualifications are:</p> <ol style="list-style-type: none"> 1. United States citizen 2. At least 18 years old 3. Registered voter 4. Resident of the city at least 15 days prior to the election and throughout his or her term 5. If elected by or from a district, be a resident of the geographical area comprising the district from which he or she is elected. <p>Cal. Elec. Code § 321; Cal. Gov't Code §§ 34882, 36502; 87 Cal. Op. Att'y Gen. 30 (2004).</p>	<p>Can establish own criteria for city office provided it does not violate the U.S. Constitution. Cal. Const. art. XI, § 5(b), 82 Cal. Op. Att'y Gen. 6, 8 (1999).</p>
Public Funds for Candidate in Municipal Elections	<p>No public officer shall expend and no candidate shall accept public money for the purpose of seeking elected office. Cal. Gov't Code § 85300.</p>	<p>Public financing of election campaigns is lawful. <i>Johnson v. Bradley</i>, 4 Cal. 4th 389 (1992).</p>
Term Limits	<p>May provide for term limits. Cal. Gov't Code § 36502(b).</p>	<p>May provide for term limits. Cal. Const. art. XI, § 5(b); Cal Gov't Code Section 36502 (b).</p>
Vacancies and Termination of Office	<p>An office becomes vacant in several instances including death, resignation, removal for failure to perform official duties, electorate irregularities, absence from meetings without permission, and upon non-residency. Cal. Gov't Code §§ 1770, 36502, 36513.</p>	<p>May establish criteria for vacating and terminating city offices so long as it does not violate the state and federal constitutions. Cal. Const. art. XI, § 5(b).</p>
Council Member Compensation and Expense Reimbursement	<p>Salary-ceiling is set by city population and salary increases set by state law except for compensation established by city electors. See Cal. Gov't Code § 36516. If a city provides any type of compensation or payment of expenses to council members, then all council members are required to have two hours of ethics training. See Cal. Gov't Code §§ 53234 - 53235.</p>	<p>May establish council members' salaries. See Cal. Const. art. XI, § 5(b). If a city provides any type of compensation or payment of expenses to council members, then all council members are required to have two hours of ethics training. See Cal. Gov't Code §§ 53234 - 53235.</p>
Legislative Authority	<p>Ordinances may not be passed within five days of introduction unless they are urgency ordinances. Cal. Gov't Code § 36934.</p> <p>Ordinances may only be passed at a regular meeting, and must be read in full at time of introduction and passage except when, after reading the title, further reading is waived. Cal. Gov't Code § 36934.</p>	<p>May establish procedures for enacting local ordinances. <i>Brougher v. Bd. of Public Works</i>, 205 Cal. 426 (1928).</p>

Characteristic	General Law City	Charter City
Resolutions	May establish rules regarding the procedures for adopting, amending or repealing resolutions.	May establish procedures for adopting, amending or repealing resolutions. <i>Brougher v. Bd. of Public Works</i> , 205 Cal. 426 (1928).
Quorum and Voting Requirements	<p>A majority of the city council constitutes a quorum for transaction of business. Cal. Gov't Code § 36810.</p> <p>All ordinances, resolutions, and orders for the payment of money require a recorded majority vote of the total membership of the city council. Cal. Gov't Code § 36936. Specific legislation requires supermajority votes for certain actions.</p>	May establish own procedures and quorum requirements. However, certain legislation requiring supermajority votes is applicable to charter cities. For example, see California Code of Civil Procedure section 1245.240 requiring a vote of two-thirds of all the members of the governing body unless a greater vote is required by charter.
Rules Governing Procedure and Decorum	<p>Ralph Brown Act is applicable. Cal. Gov't Code §§ 54951, 54953(a).</p> <p>Conflict of interest laws are applicable. See Cal. Gov't Code § 87300 <i>et seq.</i></p>	<p>Ralph Brown Act is applicable. Cal. Gov't Code §§ 54951, 54953(a).</p> <p>Conflict of interest laws are applicable. See Cal. Gov't Code § 87300 <i>et seq.</i></p> <p>May provide provisions related to ethics, conflicts, campaign financing and incompatibility of office.</p>
Personnel Matters	<p>May establish standards, requirements and procedures for hiring personnel consistent with Government Code requirements.</p> <p>May have "civil service" system, which includes comprehensive procedures for recruitment, hiring, testing and promotion. See Cal. Gov't Code § 45000 <i>et seq.</i></p> <p>Meyers-Milias-Brown Act applies. Cal. Gov't Code § 3500.</p> <p>Cannot require employees be residents of the city, but can require them to reside within a reasonable and specific distance of their place of employment. Cal. Const. art. XI, § 10(b).</p>	<p>May establish standards, requirements, and procedures, including compensation, terms and conditions of employment for personnel. See Cal. Const. art. XI, § 5(b).</p> <p>Meyers-Milias-Brown Act applies. Cal. Gov't Code § 3500.</p> <p>Cannot require employees be residents of the city, but can require them to reside within a reasonable and specific distance of their place of employment. Cal. Const. art. XI, section 10(b).</p>
Contracting Services	Authority to enter into contracts to carry out necessary functions, including those expressly granted and those implied by necessity. See Cal. Gov't Code § 37103; <i>Carruth v. City of Madera</i> , 233 Cal. App. 2d 688 (1965).	<p>Full authority to contract consistent with charter.</p> <p>May transfer some of its functions to the county including tax collection, assessment collection and sale of property for non-payment of taxes and assessments. Cal. Gov't Code §§ 51330, 51334, 51335.</p>

Characteristic	General Law City	Charter City
Public Contracts	<p>Competitive bidding required for public works contracts over \$5,000. Cal. Pub. Cont. Code § 20162. Such contracts must be awarded to the lowest responsible bidder. Pub. Cont. Code § 20162. If city elects subject itself to uniform construction accounting procedures, less formal procedures may be available for contracts less than \$100,000. See Cal. Pub. Cont. Code §§ 22000, 22032.</p> <p>Contracts for professional services such as private architectural, landscape architectural, engineering, environmental, land surveying, or construction management firms need not be competitively bid, but must be awarded on basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of services. Cal. Gov't Code § 4526.</p>	<p>Not required to comply with bidding statutes provided the city charter or a city ordinance exempts the city from such statutes, and the subject matter of the bid constitutes a municipal affair. Pub. Cont. Code § 1100.7; see <i>R & A Vending Services, Inc. v. City of Los Angeles</i>, 172 Cal. App. 3d 1188 (1985); <i>Howard Contracting, Inc. v. G.A. MacDonald Constr. Co.</i>, 71 Cal. App. 4th 38 (1998).</p>
Payment of Prevailing Wages	<p>In general, prevailing wages must be paid on public works projects over \$1,000. Cal. Lab. Code § 1771. Higher thresholds apply (\$15,000 or \$25,000) if the public entity has adopted a special labor compliance program. See Cal. Labor Code § 1771.5(a)-(c).</p>	<p>Historically, charter cities have not been bound by state law prevailing-wage requirements so long as the project is a municipal affair, and not one funded by state or federal grants. <i>Vial v. City of San Diego</i>, 122 Cal. App. 3d 346, 348 (1981). However, there is a growing trend on the part of the courts and the Legislature to expand the applicability of prevailing wages to charter cities under an analysis that argues that the payment of prevailing wages is a matter of statewide concern. The California Supreme Court declined an opportunity to resolve the issue. See <i>City of Long Beach v. Dept. of Indus. Relations</i>, 34 Cal. 4th 942 (2004).</p>

Characteristic	General Law City	Charter City
Finance and Taxing Power	<p>May impose the same kinds of taxes and assessment as charter cities. <i>See</i> Cal. Gov't Code § 37100.5.</p> <p>Imposition of taxes and assessments subject to Proposition 218. Cal. Const. art. XIII C.</p> <p>Examples of common forms used in assessment district financing include:</p> <ul style="list-style-type: none"> • Improvement Act of 1911. Cal. Sts. & High. Code § 22500 <i>et seq.</i> • Municipal Improvement Act of 1913. <i>See</i> Cal. Sts. & High. Code §§ 10000 <i>et seq.</i> • Improvement Bond Act of 1915. Cal. Sts. & High. Code §§ 8500 <i>et seq.</i> • Landscaping and Lighting Act of 1972. Cal. Sts. & High. Code §§ 22500 <i>et seq.</i> • Benefit Assessment Act of 1982. Cal. Gov't Code §§ 54703 <i>et seq.</i> <p>May impose business license taxes for regulatory purposes, revenue purposes, or both. <i>See</i> Cal. Gov't Code § 37101.</p> <p>May not impose real property transfer tax. <i>See</i> Cal. Const. art. XIII A, § 4; Cal. Gov't Code § 53725; <i>but see</i> authority to impose documentary transfer taxes under certain circumstances. Cal. Rev. & Tax. Code § 11911(a), (c).</p>	<p>Have the power to tax.</p> <p>Have broader assessment powers than a general law city, as well as taxation power as determined on a case-by case basis.</p> <p>Imposition of taxes and assessments subject to Proposition 218, Cal. Const. art. XIII C, § 2, and own charter limitations</p> <p>May proceed under a general assessment law, or enact local assessment laws and then elect to proceed under the local law. <i>See J.W. Jones Companies v. City of San Diego</i>, 157 Cal. App. 3d 745 (1984).</p> <p>May impose business license taxes for any purpose unless limited by state or federal constitutions, or city charter. <i>See</i> Cal. Const. art. XI, § 5.</p> <p>May impose real property transfer tax; does not violate either Cal. Const art. XIII A or California Government Code section 53725. <i>See Cohn v. City of Oakland</i>, 223 Cal. App. 3d 261 (1990); <i>Fielder v. City of Los Angeles</i>, 14 Cal. App. 4th 137 (1993).</p>
Streets & Sidewalks	State has preempted entire field of traffic control. Cal. Veh. Code § 21.	State has preempted entire field of traffic control. Cal. Veh. Code § 21.
Penalties & Cost Recovery	May impose fines, penalties and forfeitures, with a fine not exceeding \$1,000. Cal. Gov't Code § 36901.	May enact ordinances providing for various penalties so long as such penalties do not exceed any maximum limits set by the charter. <i>County of Los Angeles v. City of Los Angeles</i> , 219 Cal. App. 2d 838, 844 (1963).

Characteristic	General Law City	Charter City
Public Utilities/Franchises	<p>May establish, purchase, and operate public works to furnish its inhabitants with electric power. See Cal. Const. art. XI, § 9(a); Cal. Gov't Code § 39732; Cal. Pub. Util. Code § 10002.</p> <p>May grant franchises to persons or corporations seeking to furnish light, water, power, heat, transportation or communication services in the city to allow use of city streets for such purposes. The grant of franchises can be done through a bidding process, under the Broughton Act, Cal. Pub. Util. Code §§ 6001-6092, or without a bidding process under the Franchise Act of 1937, Cal. Pub. Util. Code §§ 6201-6302.</p>	<p>May establish, purchase, and operate public works to furnish its inhabitants with electric power. See Cal. Const. art. XI, § 9(a); <i>Cal. Apartment Ass'n v. City of Stockton</i>, 80 Cal. App. 4th 699 (2000).</p> <p>May establish conditions and regulations on the granting of franchises to use city streets to persons or corporations seeking to furnish light, water, power, heat, transportation or communication services in the city.</p> <p>Franchise Act of 1937 is not applicable if charter provides. Cal. Pub. Util. Code § 6205.</p>
Zoning	<p>Zoning ordinances must be consistent with general plan. Cal. Gov't Code § 65860.</p>	<p>Zoning ordinances are not required to be consistent with general plan unless the city has adopted a consistency requirement by charter or ordinance. Cal. Gov't. Code § 65803.</p>

Charter Chapter No. _____
Statutes of 2009 _____

CHARTER OF THE CITY OF EL CENTRO

(filed with the Secretary of State _____, 2009)

PREAMBLE

WE THE PEOPLE of the City of El Centro declare our intent to restore to our community the historic principles of self governance inherent in the doctrine of home-rule. Sincerely committed to the belief that local government has the closest affinity to the people governed, and firm in the conviction that the economic and fiscal independence of local government will better serve and promote the health, safety and welfare of all the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the City of El Centro.

CHARTER

Article I Municipal Affairs

Section 100. Municipal Affairs

Each of the responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory and judicially defined law of the State of California, is hereby declared to be a municipal affair or concern, the performance of which is unique to the benefit of the citizens of the City of El Centro.

Section 101. Powers

The City shall have all powers that a city can have under the Constitution and laws of the State of California as fully and completely as though they were specifically enumerated in this Charter. The enumeration in this Charter of any particular power, duty or procedure shall not be held to be exclusive of, or any limitation or restriction upon, this general grant of power.

Section 102. Incorporation and Succession

The City shall continue to be a municipal corporation known as the City of El Centro. The boundaries of the City of El Centro shall continue as now established until changed in the manner authorized by law. The City shall remain vested with and shall continue to own, have, possess, control and enjoy all property rights and rights of action of every nature and description owned, had, possessed, controlled or enjoyed by it at the time this Charter takes effect, and is hereby declared to be the successor of same. It shall be subject to all debts, obligations and liabilities, which exist against the City at the time this Charter takes effect. All lawful ordinances, resolutions, rules and regulations, or portions thereof, in force at the time this Charter takes effect and not in conflict with or inconsistent herewith, are hereby continued in force until the same have been duly repealed, amended, changed or superseded by proper authority.

Article 2 Form of Government

Section 200. Form of Government

The municipal government established by this Charter shall be known as the "Council-Manager" form of government. The City Council will establish the policy of the City and the City Manager will carry out that policy.

Article 3 Fiscal Matters

Section 300. Public Works Contracts

The City and its agencies, including, but not limited to El Centro Regional Medical Center, are exempt from the provisions of all California statutes regulating public contracting and purchasing except as provided by ordinance or by agreement approved by the City Council. The City shall establish all standards, procedures, rules or regulations to regulate all aspects of public contracting and purchasing.

Section 301. Prevailing Wages.

The City and its agencies shall require the payment of prevailing wages on City and its agencies' public works projects in the same manner as is required of general law cities in the State of California; provided, however, that the City Council may, by resolution or ordinance adopted by a four-fifths (4/5) vote, increase or decrease the minimum thresholds which trigger the requirement to pay prevailing wages for the individual projects, categories of projects or all City and its agencies' public works projects.

Section 302. Economics and Community Development

The City shall encourage, support, and promote economic development and community development in the City.

Article 4 Revenue Retention

Section 400. Reductions Prohibited

Revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

Section 401. Mandates Limited

No person, whether elected or appointed, acting on behalf of the City, shall be required to perform any function which is mandated by any other level of government, unless and until funds sufficient for the performance of such functions are provided by said mandating authority.

Article 5 Revenue Retention

Section 500. General Law Powers

In addition to the power and authority granted by the terms of this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

Article 6 Interpretation

Section 600. Construction and Interpretation

The language contained in this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its power to govern with respect to any matter which is a municipal affair.

Section 601. Severability

If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

**AUTHENTICATION
AND
CERTIFICATION**

Authenticated and certified to be a true copy by Mayor Benjamin James Solomon, III and City Clerk L. Diane Caldwell.

Date of Municipal Election: November 3, 2009.

Benjamin James Solomon, III, Mayor

L. Diane Caldwell, City Clerk